

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

RAUL RODRIGUEZ,

Plaintiff,

vs.

DONALD HELLING, et al.,

Defendants.

3:07-CV-0093-RLH (RAM)

REPORT AND RECOMMENDATION  
OF U.S. MAGISTRATE JUDGE

This Report and Recommendation is made to the Honorable Roger L. Hunt, Chief United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR IB 1-4.

On April 20, 2007, Defendants filed their Motion to Dismiss for Failure to Exhaust Administrative Remedies (Doc. #17). On April 24, 2007, the court entered and served its Minute Order Regarding the Requirements of Klinge v. Eikenberry and Rand v. Rowland (Doc. #18). This order was returned from the prison with the notation that the inmate was no longer in custody (Doc. #19).

LSR 2-2 provides that "The plaintiff shall immediately file with the court written notification of any change of address. The notification must include proof of service upon each opposing party or the party's attorney. Failure to comply with this rule may result in dismissal of the action with prejudice."

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1 The Plaintiff has apparently been released from prison some time prior to April 24, 2007,  
2 and has failed to notify the court of a change of address.

3 Without such notification neither the Defendants nor the court can process this case and  
4 it becomes unmanageable.

5 Because of this circumstance and the Plaintiff's failure to comply with LSR 2-2, it is  
6 recommended that the District Court enter an order dismissing this action with prejudice.

7 RECOMMENDATION

8 IT IS THEREFORE RECOMMENDED that the District Judge enter an order dismissing  
9 this action with prejudice..

10 The parties should be aware of the following:

11 1. That they may file, pursuant to 28 U.S.C. § 636(b)(1)(C) and Rule IB 3-2 of the Local  
12 Rules of Practice, specific written objections to this Report and Recommendation within ten (10)  
13 days of receipt. These objections should be titled "Objections to Magistrate Judge's Report and  
14 Recommendation" and should be accompanied by points and authorities for consideration by the  
15 District Court.

16 2. That this Report and Recommendation is not an appealable order and that any notice  
17 of appeal pursuant to Rule 4(a)(1), Fed. R. Civ. P., should not be filed until entry of the District  
18 Court's judgment.

19 DATED: May 29, 2007.

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UNITED STATES MAGISTRATE JUDGE